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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,824	09/17/2003	Stephen Palm	BP2610	3426
51472 7590 05/29/2009 GARLICK HARRISON & MARKISON P.O. BOX 160727 AUSTIN, TX 78716-0727				
EXAMINER NGO, NGUYEN HOANG				
ART UNIT 2416		PAPER NUMBER		
MAIL DATE 05/29/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/664,824

**Applicant(s)**

PALM, STEPHEN

**Examiner**

NGUYEN NGO

**Art Unit**

2416

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 28, 30 and 32 is/are rejected.
- 7) ☒ Claim(s) 29, 31, 33, 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

This communication is in response to the amendment of 2/26/2009. Amendments made to the claims have been entered. Accordingly, Claims 1-7 and 28-34 are currently pending in the application.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 28, 30, and 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (US 2003/0189952), in view of Helms (US 6678316), hereinafter referred to as Long and Helms.

**Regarding claims 28**, Long discloses a method for Digital Subscriber Line (DSL) handshaking, the method comprises:

Transmitting, by a remote DSL transceiver [0078], first signals containing even numbered carriers for a predetermined period of time to initiate the DSL handshaking to produce R-ETONES-REQ ([0079] Note: synchronize G.hs handshaking), wherein the first signals include periodic phase reversal ([0005] and [0077]);

Detecting, by a central office DSL transceiver ([0081] Note: HSTU-R), the R-ETONES-REQ to produce detected R-ETONES-REQ [0081];

Determining, by the central office DSL transceiver, alignment of a hyper frame in accordance with a Time Compression Multiplexing-Integrated Service Digital Network (TCM-ISDN) Timing Reference (TTR) [0074];

Transmitting, by the central office DSL transceiver, first response signals containing odd numbered carriers in accordance with the alignment of the hyper frame to produce C-TONES-TTR [0081], wherein the first response signals include periodic phase reversal ([0077]-[0081]);

Acquiring, by the remote DSL transceiver, TTR synchronization in accordance with the C-TONES-TTR; upon acquiring TTR synchronization, transmitting, by the remote DSL transceiver, second signals containing even numbered carriers to produce R-TONE-TTR [0082];

In response to the R-TONE-ITR, transmitting, by the central office DSL transceiver, second response signals containing odd numbered carriers to produce C-GALF1-TTR [0083];

In response to the C-GALF1-TTR, transmitting, by the remote DSL transceiver, third signals containing even numbered carriers to produce R-FLAG1-TTR [0083]; and in response to the R-FLAG1-TTR, transmitting, by the central office DSL transceiver, third response signals containing odd numbered carriers to produce C-FLAG1 [0083].

Long shows initializing and response to handshaking in NEXT and FEXT, but do not shows transmitting initializing and response to handshaking in odd and even carriers. Helm however discloses that all odd multiplied carriers be used in the downstream path from the central office and even multiplied carriers be used in the upstream path (or vise versa) and that this even-odd distribution of upstream and downstream frequencies offer advantages (col5 lines 51-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the handshaking method of Long with the transmission on odd and even carrier of Helms in order to eliminate near end crosstalk. It should further be noted that the use of even numbered carriers for upstream and odd number carriers for downstream is simply a network parameter.

**Regarding claim 30**, Long discloses further comprises: subsequent to transmitting the first signals, transmitting, by the remote DSL transceiver, additional first signals from one signaling families to produce R-TONES-REQ [0081].

**Regarding claims 32**, Long discloses wherein the acquiring, by the remote DSL transceiver, TTR synchronization further comprises: continue transmitting, by the remote DSL transceiver, the R-ETONES-REQ until the TTR synchronization is acquired [0089].

***Allowable Subject Matter***

1. Claims 29, 31, 33, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 1-7 are allowed.
3. Claims 1 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly disclose **transmitting, by a remote DSL transceiver, first signals containing even numbered carriers for a predetermined period of time to initiate the DSL handshaking to produce R-ETONES-REQ, wherein the first signals comprise a plurality of even numbered carriers eight through thirty and include periodic phase reversal and wherein the first response signals comprise odd numbered carriers five through thirty-one and include periodic phase reversal.** It is noted that the closest prior art Long (US 2003/0189952), in view of Helms (US 6678316) shows a method for synchronizing initial handshake in

ADSL Annex C to TTR. However the stated prior art fails to disclose or render obvious to the above underline limitations as claimed.

### ***Response to Arguments***

3. Applicant's arguments filed 2/26/2009, with respect to claims 28, 30, and 32, have been fully considered but they are not persuasive.
4. Applicant submits that the combination of Long and Helms references teaches away from the elements of claim 28, and states that the Helms reference teaches away from the elements of the claims in which the Helms references describe aligning the frames transmitted by all CO modems, e.g. all frames transmitted by all CO modems start and end at the same time, as seen from the remarks page 14. Examiner however simply uses the Helms reference to show the well known concept of transmitting in a downstream path through use of odd carriers (from central office) and upstream paths through use of even carriers (from remote transceiver), which is a well-known concept in the art. Examiner does not rely on any other teachings of Helm.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN NGO whose telephone number is (571)272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571)272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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